

### **REMARKS**

Applicant acknowledges, with appreciation, the indication that claims 4-8, 13, 22-29, 32-36, 38, 39, 42, 45 and 51 contain allowable subject matter. Claims 1-12, 14-41, 43, 44, 46-50 and 52-55 are currently pending, with claims 1, 4, 10 and 19 being the independent claims.

Claims 13, 42, 45 and 51 have been cancelled without prejudice. Claims 1-12, 14-41, 43, 44, 46-50 and 52-55 have been amended. Allowable claim 4 has been placed into independent form. Independent claim 1 has been amended to incorporate the method steps associated with the subject matter of claim 13 which was indicated to contain allowable subject matter.

Independent claims 10 and 19 have been amended to incorporate the subject matter of cancelled, but allowable, dependent claim 13, respectively. No new matter has been added. Reconsideration of the application, as amended, is respectfully requested.

In the Office Action dated June 28, 2005, dependent claims 4 and 10 were objected to based on certain informalities. In response to this objection, claims 4 and 10 have been amended in a manner which addresses each specific objection. Withdrawal of the objection is in order.

Claims 14-16, 40, 41, 46-48 and 52-54 were rejected under 35 U.S.C. §112, 2<sup>nd</sup> ¶, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner has stated said subtracting means in claims 14, 40 and 41, lines 3-4, 2 and 2 lack antecedent basis. In response to this rejection, Applicant has amended independent claim 10, upon which claims 14, 40 and 41 depends to provide antecedent basis for the subtracting means.

The Examiner has also stated it is unclear and indefinite from the claim how the element of the averaging means, subtracting means and estimation means are configured. In response to this rejection, Applicant directs the Examiner's attention to Fig. 3 and the description set forth at pg. 14, line 14 thru page 16, line 29 of the specification. The configuration of the averaging means, subtracting means and estimation means is readily apparent from the description set forth in the specification. Accordingly, the claims are definite and withdrawal of the rejection is in order.

Since claim 13 was indicated to contain allowable subject matter, as noted previously, Applicants submit that independent claims 1, 4, 10 and 19, which are the only pending independent claims, are now in condition for allowance. The remaining claims all depend from these independent claims and there are allowable because the dependent claims are allowable.

No new matter has been added by way of this amendment. Reconsideration of the application is respectfully requested.

Applicants respectfully submit that this application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 

Michael C. Stuart

Reg. No. 35,698

551 Fifth Avenue, Suite 1210

New York, New York 10176

(212) 687-2770

Dated: October 27, 2005